IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.3042 OF 2007

Kotesh Subbarao Nandgade @ Nagadla ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Prakash Naik, Advocate for the applicant.

Mr U. V. Nikam, APP for the respondent.

CORAM: V.C. DAGA,J.
DATED: 19.9.2007.

P.C.

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused the application and the material available on record.

3. The applicant-original accused arrested in C.R.No. 121 of 2007, registered with Cuffe Parade Police Station, for the offence under Section 326, of the I.P.C., is seeking bail under Section 439 of the Cr.P.C.

4. According to the prosecution, the accused-applicant had assaulted the brother of the complainant with a knife on 12.7.2007 at about 10:30 p.m. as his wife was having illicit relation with the injured, namely Shriniwas. The learned counsel for the applicant submits that the injured is already

discharged from the hospital. Accused is a permanent resident of Mumbai. He is ready to abide by the conditions those may be imposed while granting bail.

5. The present applicant-accused came to be arrested on 13.7.2007 and since he is in jail. He has moved bail application in Sessions Court which came to be rejected on 21.8.2007.

6. Having seen the material placed on record, I, prima facie, find no reason to continue jail custody of the applicant, I am, therefore, inclined to grant bail to the applicant on following terms and conditions.

a] The applicant arrested in connection with C.R.No.121 of 2007 registered with Cuffe Parade Police Station,for the offence punishable under Section 326, of the I.P.C.shall be enlarged on bail subject to furnishing a personal bond of Rs. 25,000/- with one local surety in the like amount.

b] The applicant shall report to the above Police Station once in a week i.e. Monday in between 3.00 to 5.00 p.m. till conclusion of the trial.

c] The order of bail will be given effect only after the applicant furnish to the

Investigating Officer the details about his place of residence and address where he propose to stay after he is enlarged on bail.

d] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not, in any manner, tamper with the prosecution evidence.

e] The applicant shall co-operate with the Investigating Officer in investigation.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

7. The applicant is put on notice that on a report by the State in violating any of the conditions by him, mentioned herein, shall result in cancellation of this bail order.

8. Application is disposed of in above terms.

(V.C.DAGA,J)